

ROH Chapter 29

STREETS, SIDEWALKS, MALLS AND OTHER PUBLIC PLACES

Article 6 (excerpt)

Sec. 29-6.2 Regulation affecting peddling.

- (a) It is unlawful for any person to peddle on a public place without a peddler's license issued by the city, except as otherwise provided by Section 29-6.1.
- (b) It is unlawful for any person, whether exempt or licensed under Section 29-6.1, to peddle on a public place, unless such person is also duly licensed under the provisions of HRS Section 237-9 to engage in and conduct such business as required by said HRS Section 237-9.
- (c) Notwithstanding subsections (a) and (b) or any other ordinance to the contrary and except as specifically provided in this section, it is unlawful for any person to peddle on a public place in the following areas, even if such person is exempt or licensed under Section 29-6.1:
 - (1) On the Pali Highway from the intersection of Nuuanu Pali Drive to Castle Junction including the Pali Lookout (improved observation area at the summit) and access road thereto;
 - (2) Makapuu Lookout (parking area overlooking Makapuu Beach) on Kalaniana'ole Highway;
 - (3) On Diamond Head Road from Poni Moi Road to Kulamanu Place;
 - (4) Tantalus Drive from Aaliamanu Place to Ualakaa Park;
 - (5) Waimea Bay beginning at Maunawai to the Kupupolo Heiau on Kamehameha Highway;
 - (6) Within 300 feet of the easterly end of Naupaka Street on Laie Point;
 - (7) Waikiki Peninsula upon the public streets, alleys, sidewalks, malls, parks, beaches and other public places in Waikiki commencing at the entrance to the Ala Wai Canal, thence along the Ala Wai Canal to Kapahulu Avenue, thence along the diamond head property line of Kapahulu Avenue to the ocean, thence along the ocean back to the entrance of the Ala Wai Canal;
 - (8) Fort Street and Union Street Malls -- The length and width of those areas in downtown Honolulu designated as the Fort Street Mall and the Union Street Mall;
 - (9) Chinatown and the length and width of College Walk Mall and Sun Yat Sen Mall; except as allowed under Article 6A or Article 10;
 - (10) In any school zone as defined in Section 15-2.21 while school is in session. Provided, that this subdivision shall not apply to any authorized participant in a city-sponsored market program, or in any school-sponsored function, or to home door-to-door salespersons, solicitors or canvassers as defined in Section 29-5.1(b). For purposes of this subdivision: "School" means any public or private elementary, intermediate or high school; and "School is in session" means one hour before the start of classes and up until one hour after the last scheduled class ends;
 - (11) Halona Scenic Lookout (parking area overlooking the Blowhole) on Kalaniana'ole Highway;
 - (12) The grounds of City Hall and the Honolulu Municipal Building, as defined in Section 28-11.1 and including the public sidewalks abutting King Street, Alapai

Street, Beretania Street, and Punchbowl Street. This subdivision shall not preclude use of said grounds by any concessionaire, licensees, lessee, or permittee of the city or by any peddler participating in the city-sponsored people's open market program; and

- (13) Within any public park or beach owned and operated by the city, except pursuant to a concession, permit or license issued by the city.

The provisions of this subsection shall not apply to the sale or offer for sale of newspapers of general circulation and to duly authorized concessions in public places.

For purposes of this section, "newspaper of general circulation" means a publication published at regular intervals, primarily for the dissemination of news, intelligence and opinions on recent events or newsworthy items of a general character, and reaching all classes of the public.

- (d) The provisions of subsection (c) shall not be construed as prohibiting the sale or offer for sale, rent or offer for rent, or display for sale or rent on the public streets, sidewalks, malls, or public places of goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services within the area authorized by a parade or street usage permit within the time specified in the permit and subject to the terms and conditions of the permit, as authorized by the holders of the permit.